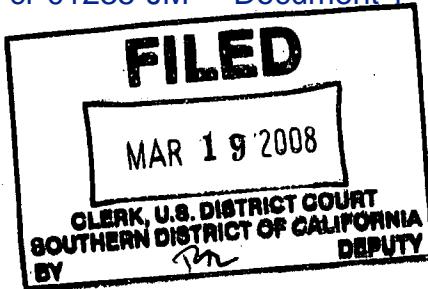


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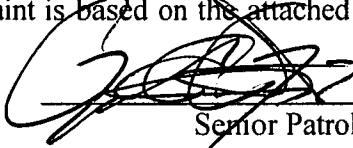
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, ) Mag. Case No. **'08 MJ 8249**  
)  
Plaintiff, ) COMPLAINT FOR VIOLATION OF:  
)  
v. ) Title 8, U.S.C., Section 1326  
Sergio Heriberto LOPEZ-Montes, ) Deported Alien Found In the United States  
)  
)  
Defendant. )

The undersigned complainant, being duly sworn, states:

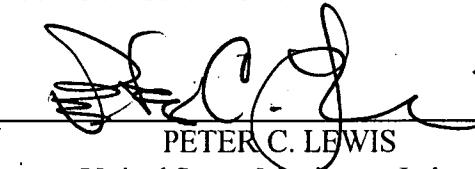
On or about March 18, 2008, within the Southern District of California, defendant Sergio Heriberto LOPEZ-Montes, an alien, who previously had been excluded, deported, or removed from the United States to Mexico was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States code, section 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



Senior Patrol Agent

SWORN TO BEFORE AND SUBSCRIBED IN MY PRESENCE THIS 19th DAY OF MARCH 2008.



PETER C. LEWIS  
United States Magistrate Judge

1 UNITED STATES OF AMERICA

2 v.

3 Sergio Heriberto LOPEZ-Montes

4

5 STATEMENT OF FACTS

6

7 The complainant states that this complaint is based upon the statements of the  
8 apprehending Border Patrol Agent, G. Corzo, that the Defendant was found and arrested on  
9 March 18, 2008 west of Calexico, California.

10 BPA Corzo was performing his assigned Border Patrol duties approximately 3 miles west  
11 of Calexico, California and encountered an illegal alien later identified as Sergio Heriberto  
12 LOPEZ-Montes. BPA Corzo identified himself as a Border Patrol Agent and questioned LOPEZ  
13 as to his immigration status to be in the United States. LOPEZ stated that he was a citizen of  
14 Mexico and illegally in the United States. LOPEZ was placed under arrest.

15 Record checks revealed that an Immigration Judge ordered LOPEZ deported to Mexico  
16 from the United States on September 13, 1996.

17 There is no evidence LOPEZ has sought or received permission from the Attorney  
18 General or the Secretary of the Department of Homeland Security to re-enter the United States.